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TITLE 42--THE PUBLIC HEALTH AND WELFARE

CHAPTER 130--NATIONAL AFFORDABLE HOUSING

SUBCHAPTER IV--HOPE FOR HOMEOWNERSHIP OF MULTIFAMILY AND SINGLE FAMILY HOMES

Part C--HOPE for Youth: Youthbuild

Section	Title
12899	Statement of purpose
12899a	Program authority
12899b	Planning grants
12899c	Implementation grants
12899d	Youthbuild program requirements
12899e	Additional program requirements
12899f	Definitions
12899g	Management and technical assistance
12899h	Contracts
12899h-1	Ineligibility of Indian tribes
12899i	Regulations

Sec. 12899. Statement of purpose

It is the purpose of this part--

1. to expand the supply of permanent affordable housing for homeless individuals and members of low- and very low-income families by utilizing the energies and talents of economically disadvantaged young adults;
2. to provide economically disadvantaged young adults with opportunities for meaningful work and service to their communities in helping to meet the housing needs of homeless individuals and members of low- and very low-income families;
3. to enable economically disadvantaged young adults to obtain the education and employment skills necessary to achieve economic self-sufficiency; and
4. to foster the development of leadership skills and commitment to community development among young adults in low-income communities.

(Pub. L. 101-625, title IV, Sec. 451, as added Pub. L. 102-550, title I, Sec. 164, Oct. 28, 1992, 106 Stat. 3723.)

Sec. 12899a. Program authority

The Secretary may make--

1. planning grants to enable applicants to develop Youthbuild programs; and
2. implementation grants to enable applicants to carry out Youthbuild programs.

(Pub. L. 101-625, title IV, Sec. 452, as added Pub. L. 102-550, title I, Sec. 164, Oct. 28, 1992, 106 Stat. 3723.)

Sec. 12899b. Planning grants

a. Grants

The Secretary is authorized to make planning grants to applicants for the purpose of developing Youthbuild programs under this part. The amount of a planning grant under this section may not exceed \$150,000, except that the Secretary may for good cause approve a grant in a higher amount.

b. Eligible activities

Planning grants may be used for activities to develop Youthbuild programs including--

1. studies of the feasibility of a Youthbuild program;
2. establishment of consortia between youth training and education programs and housing owners or developers, including any organizations specified in section 12899(2) of this title, which will participate in the Youthbuild program;
3. identification and selection of a site for the Youthbuild program;
4. preliminary architectural and engineering work for the Youthbuild program;
5. identification and training of staff for the Youthbuild program;
6. planning for education, job training, and other services that will be provided as part of the Youthbuild program;
7. other planning, training, or technical assistance necessary in advance of commencing the Youthbuild program; and
8. preparation of an application for an implementation grant under this part.

c. Application

1. Form and procedures

An application for a planning grant shall be submitted by an applicant in such form and in accordance with such procedures as the Secretary shall establish.

2. Minimum requirements

The Secretary shall require that an application contain at a minimum--

- A. a request for a planning grant, specifying the activities proposed to be carried out, the schedule for completing the activities, the personnel necessary to complete the activities, and the amount of the grant requested;

- B. a description of the applicant and a statement of its qualifications, including a description of the applicant's past experience with housing rehabilitation or construction and with youth and youth education and employment training programs, and its relationship with local unions and apprenticeship programs, and other community groups;
 - C. identification and description of potential sites for the program and the construction or rehabilitation activities that would be undertaken at such sites; potential methods for identifying and recruiting youth participants; potential educational and job training activities, work opportunities and other services for participants; and potential coordination with other Federal, State, and local housing and youth education and employment training activities including activities conducted by Indian tribes;
 - D. a certification by the public official responsible for submitting the comprehensive housing affordability strategy under section 12705 of this title that the proposed activities are consistent with the approved housing strategy of the State or unit of general local government within which the project is located; and
 - E. a certification that the applicant will comply with the requirements of the Fair Housing Act [42 U.S.C. 3601 et seq.], title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], section 504 of the Rehabilitation Act of 1973 [29 U.S.C. 794], and the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.], and will affirmatively further fair housing.
- d. Selection criteria
- The Secretary shall, by regulation, establish selection criteria for a national competition for assistance under this section, which shall include--
- 1. the qualifications or potential capabilities of the applicant;
 - 2. the potential of the applicant for developing a successful and affordable Youthbuild program;
 - 3. the need for the prospective program, as determined by the degree of economic distress--
 - A. of the community from which participants would be recruited (such as poverty, youth unemployment, and number of individuals who have dropped out of high school); and
 - B. of the community in which the housing proposed to be constructed or rehabilitated would be located (such as incidence of homelessness, shortage of affordable housing, and poverty); and
 - 4. such other factors that the Secretary shall require that (in the determination of the Secretary) are appropriate for purposes of carrying out the program established by this part in an effective and efficient manner.

(Pub. L. 101-625, title IV, Sec. 453, as added Pub. L. 102-550, title I, Sec. 164, Oct. 28, 1992, 106 Stat. 3723.)

References in Text

The Fair Housing Act, referred to in subsec. (c)(2)(E), is title VIII of Pub. L. 90-284, Apr. 11, 1968, 82 Stat. 81, as amended, which is classified principally to subchapter I (Sec. 3601 et seq.) of chapter 45 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of this title and Tables.

The Civil Rights Act of 1964, referred to in subsec. (c)(2)(E), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Act is classified generally to subchapter V (Sec. 2000d et seq.) of chapter 21 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of this title and Tables.

The Age Discrimination Act of 1975, referred to in subsec. (c)(2)(E), is title III of Pub. L. 94-135, Nov. 28, 1975, 89 Stat. 728, as amended, which is classified generally to chapter 76 (Sec. 6101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6101 of this title and Tables.

Sec. 12899c. Implementation grants

a. Grants

The Secretary is authorized to make implementation grants to applicants for the purpose of carrying out Youthbuild programs approved under this part.

b. Eligible activities

Implementation grants may be used to carry out Youthbuild programs, including the following activities:

1. Architectural and engineering work.
2. Acquisition, rehabilitation, acquisition and rehabilitation, or construction of housing and related facilities to be used for the purposes of providing homeownership under part A and part B of this subchapter, residential housing for homeless individuals, and low- and very low-income families, or transitional housing for persons who are homeless, have disabilities, are ill, are deinstitutionalized, or have other special needs.
3. Administrative costs of the applicant, which may not exceed 15 percent of the amount of assistance provided under this section, or such higher percentage as the Secretary determines is necessary to support capacity development by a private nonprofit organization.
4. Education and job training services and activities including--
 - A. work experience and skills training, coordinated, to the maximum extent feasible, with preapprenticeship and apprenticeship programs, in the construction and rehabilitation activities described in subsection (b)(2) of this section;
 - B. services and activities designed to meet the educational needs of participants, including--
 - i. basic skills instruction and remedial education;
 - ii. bilingual education for individuals with limited-English proficiency;
 - iii. secondary education services and activities designed to lead to the attainment of a high school diploma or its equivalent; and

- iv. counseling and assistance in attaining post-secondary education and required financial aid;
 - C. counseling services and related activities;
 - D. activities designed to develop employment and leadership skills, including support for youth councils; and
 - E. support services and need-based stipends necessary to enable individuals to participate in the program and, for a period not to exceed 12 months after completion of training, to assist participants through support services in retaining employment.
- 5. Wage stipends and benefits provided to participants.
- 6. Funding of operating expenses and replacement reserves of the property covered by the Youthbuild program.
- 7. Legal fees.
- 8. Defraying costs for the ongoing training and technical assistance needs of the recipient that are related to developing and carrying out the Youthbuild program.
- c. Application
 - 1. Form and procedure

An application for an implementation grant shall be submitted by an applicant in such form and in accordance with such procedures as the Secretary shall establish.
 - 2. Minimum requirements

The Secretary shall require that an application contain at a minimum--

 - A. a request for an implementation grant, specifying the amount of the grant requested and its proposed uses;
 - B. a description of the applicant and a statement of its qualifications, including a description of the applicant's past experience with housing rehabilitation or construction and with youth and youth education and employment training programs, and its relationship with local unions and apprenticeship programs, and other community groups;
 - C. a description of the proposed site for the program;
 - D. a description of the educational and job training activities, work opportunities, and other services that will be provided to participants;
 - E. a description of the proposed construction or rehabilitation activities to be undertaken and the anticipated schedule for carrying out such activities;
 - F. a description of the manner in which eligible youths will be recruited and selected, including a description of arrangements which will be made with community-based organizations, State and local educational agencies, including agencies of Indian tribes, public assistance agencies, the courts of jurisdiction for status and youth offenders, shelters for homeless individuals and other agencies that serve homeless youth, foster care agencies, and other appropriate public and private agencies;
 - G. a description of the special outreach efforts that will be undertaken to recruit eligible young women (including young women with dependent children);
 - H. a description of how the proposed program will be coordinated with other Federal, State, and local activities and activities

conducted by Indian tribes, including vocational, adult and bilingual education programs, job training provided with funds available under the Job Training Partnership Act [29 U.S.C. 1501 et seq.] and title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.] and the Family Support Act of 1988, and housing and community development programs, including programs that receive assistance under section 5306 of this title;

- I. assurances that there will be a sufficient number of adequately trained supervisory personnel in the program who have attained the level of journeyman or its equivalent;
- J. a description of the applicant's relationship with local building trade unions regarding their involvement in training, and the relationship of the Youthbuild program with established apprenticeship programs;
- K. a description of activities that will be undertaken to develop the leadership skills of participants;
- L. a detailed budget and a description of the system of fiscal controls and auditing and accountability procedures that will be used to ensure fiscal soundness;
- M. a description of the commitments for any additional resources to be made available to the program from the applicant, from recipients of other Federal, State or local housing and community development assistance who will sponsor any part of the construction, rehabilitation, operation and maintenance, or other housing and community development activities undertaken as part of the program, or from other Federal, State or local activities and activities conducted by Indian tribes, including, but not limited to, vocational, adult and bilingual education programs, and job training provided with funds available under the Job Training Partnership Act [29 U.S.C. 1501 et seq.] and title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.] and the Family Support Act of 1988;
- N. identification and description of the financing proposed for any-
 - i. rehabilitation;
 - ii. acquisition of the property; or
 - iii. construction;
- O. identification and description of the entity that will operate and manage the property;
- P. a certification by the public official responsible for submitting the comprehensive housing affordability strategy under section 12705 of this title that the proposed activities are consistent with the approved housing strategy of the State or unit of general local government within which the project is located; and
- Q. a certification that the applicant will comply with the requirements of the Fair Housing Act [42 U.S.C. 3601 et seq.], title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], section 504 of the Rehabilitation Act of 1973 [29 U.S.C.

794], and the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.], and will affirmatively further fair housing.

d. Selection criteria

The Secretary shall establish selection criteria for assistance under this section, which shall include--

1. the qualifications or potential capabilities of the applicant;
2. the feasibility of the Youthbuild program;
3. the potential for developing a successful Youthbuild program;
4. the need for the prospective project, as determined by the degree of economic distress of the community from which participants would be recruited (such as poverty, youth unemployment, number of individuals who have dropped out of high school) and of the community in which the housing proposed to be constructed or rehabilitated would be located (such as incidence of homelessness, shortage of affordable housing, poverty);
5. the apparent commitment of the applicant to leadership development, education, and training of participants;
6. the inclusion of previously homeless tenants in the housing provided;
7. the commitment of other resources to the program by the applicant and by recipients of other Federal, State or local housing and community development assistance who will sponsor any part of the construction, rehabilitation, operation and maintenance, or other housing and community development activities undertaken as part of the program, or by other Federal, State or local activities and activities conducted by Indian tribes, including, but not limited to, vocational, adult and bilingual education programs, and job training provided with funds available under the Job Training Partnership Act [29 U.S.C. 1501 et seq.] and title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.] and the Family Support Act of 1988; and
8. such other factors as the Secretary determines to be appropriate for purposes of carrying out the program established by this part in an effective and efficient manner.

e. Priority for applicants who obtain housing money from other sources

The Secretary shall give priority in the award of grants under this section to applicants to the extent that they propose to finance activities described in paragraphs (1), (2), and (6) of subsection (b) of this section from funds provided from Federal, State, local, or private sources other than assistance under this part.

f. Approval

The Secretary shall notify each applicant, not later than 4 months after the date of the submission of the application, whether the application is approved or not approved.

g. Combined planning and implementation grant application procedure

The Secretary shall develop a procedure under which an applicant may apply at the same time and in a single application for a planning grant and an implementation grant, with receipt of the implementation grant conditioned on successful completion of the activities funded by the planning grant.

(Pub. L. 101-625, title IV, Sec. 454, as added Pub. L. 102-550, title I, Sec. 164, Oct. 28, 1992, 106 Stat. 3725; amended Pub. L. 105-277, div. A, Sec. 101(f) [title VIII, Sec. 405(d)(43)(A), (f)(34)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-428, 2681-434.)

Amendment of Subsections (c)(2)(H), (M) and (d)(7)

Pub. L. 105-277, div. A, Sec. 101(f) [title VIII, Sec. 405(f)(34), (g)(2)(B)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-434, 2681-435, provided that, effective July 1, 2000, subsections (c)(2)(H), (M) and (d)(7) of this section are amended by striking ``the Job Training Partnership Act and''.

References in Text

The Job Training Partnership Act, referred to in subsecs. (c)(2)(H), (M) and (d)(7), is Pub. L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, which is classified generally to chapter 19 (Sec. 1501 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of Title 29 and Tables.

The Workforce Investment Act of 1998, referred to in subsecs. (c)(2)(H), (M) and (d)(7), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, as amended. Title I of the Act is classified principally to chapter 30 (Sec. 2801 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of Title 20, Education, and Tables.

The Family Support Act of 1988, referred to in subsecs. (c)(2)(H), (M) and (d)(7), is Pub. L. 100-485, Oct. 13, 1988, 102 Stat. 2343, as amended. For complete classification of this Act to the Code, see Short Title of 1988 Amendment note under section 1305 of this title and Tables.

The Fair Housing Act, referred to in subsec. (c)(2)(Q), is title VIII of Pub. L. 90-284, Apr. 11, 1968, 82 Stat. 81, as amended, which is classified principally to subchapter I (Sec. 3601 et seq.) of chapter 45 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of this title and Tables.

The Civil Rights Act of 1964, referred to in subsec. (c)(2)(Q), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Act is classified generally to subchapter V (Sec. 2000d et seq.) of chapter 21 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of this title and Tables.

The Age Discrimination Act of 1975, referred to in subsec. (c)(2)(Q), is title III of Pub. L. 94-135, Nov. 28, 1975, 89 Stat. 728, as amended, which is classified generally to chapter 76 (Sec. 6101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6101 of this title and Tables.

Amendments

1998--Subsecs. (c)(2)(H), (M), (d)(7). Pub. L. 105-277, Sec. 101(f) [title VIII, Sec. 405(d)(43)(A)], substituted ``the Job Training Partnership Act and title I of the Workforce Investment Act of 1998'' for ``the Job Training Partnership Act''.

Effective Date of 1998 Amendment

Amendment by section 101(f) [title VIII, Sec. 405(d)(43)(A)] of Pub. L. 105-277 effective Oct. 21, 1998, and amendment by section 101(f) [title VIII, Sec. 405(f)(34)] of Pub. L. 105-277 effective July 1, 2000, see section 101(f) [title VIII,

Sec. 405(g)(1), (2)(B)] of Pub. L. 105-277, set out as a note under section 3502 of Title 5, Government Organization and Employees.

Section Referred to in Other Sections

This section is referred to in section 12899e of this title.

Sec. 12899d. Youthbuild program requirements

a. Residential rental housing

Each residential rental housing project receiving assistance under this part shall meet the following requirements:

1. Occupancy by low- and very low-income families

In the project--

- A. at least 90 percent of the units shall be occupied, or available for occupancy, by individuals and families with incomes less than 60 percent of the area median income, adjusted for family size; and
- B. the remaining units shall be occupied, or available for occupancy, by low-income families.

2. Tenant protections

A. Lease

The lease between a tenant and an owner of residential rental housing assisted under this part shall be for not less than 1 year, unless otherwise mutually agreed to by the tenant and the owner, and shall contain such terms and conditions as the Secretary shall determine to be appropriate.

B. Termination of tenancy

An owner shall not terminate the tenancy or refuse to renew the lease of a tenant of residential rental housing assisted under this title \1\ except for serious or repeated violation of the terms and conditions of the lease, for violation of applicable Federal, State, or local law, or for other good cause. Any termination or refusal to renew must be preceded by not less than 30 days by the owner's service upon the tenant of a written notice specifying the grounds for the action

\1\ See References in Text note below.

C. Maintenance and replacement

The owner of residential rental housing assisted under this part shall maintain the premises in compliance with all applicable housing quality standards and local code requirements.

D. Tenant selection

The owner of residential rental housing assisted under this part shall adopt written tenant selection policies and criteria that--

- i. are consistent with the purpose of providing housing for very low-income and low-income families and individuals;
- ii. are reasonably related to program eligibility and the applicant's ability to perform the obligations of the lease;
- iii. give reasonable consideration to the housing needs of families that would qualify for a preference under any system of preferences established under section 1437d(c)(1) of this title; and
- iv. provide for
 - I. the selection of tenants from a written waiting list in the chronological order of their application, to the extent practicable, and
 - II. for the prompt notification in writing of any rejected applicant of the grounds for any rejection.

3. Limitation on rental payments

Tenants in each project shall not be required to pay rent in excess of the amount provided under section 1437a(a) of this title.

4. Tenant participation plan

For each project owned by a nonprofit organization, the organization shall provide a plan for and follow a program of tenant participation in management decisions.

5. Prohibition against discrimination

A unit in a project assisted under this part may not be refused for leasing to a family holding tenant-based assistance under section 1437f of this title because of the status of the prospective tenant as a holder of such assistance.

b. Transitional housing

Each transitional housing project receiving assistance under this part shall adhere to the requirements regarding service delivery, housing standards, and rent limitations applicable to comparable housing receiving assistance under title IV of the Stewart B. McKinney Homeless Assistance Act [42 U.S.C. 11361 et seq.].

c. Limitations on profits for rental and transitional housing

1. Monthly rental limitation

The aggregate monthly rental for each eligible project may not exceed the operating costs of the project (including debt service, management, adequate reserves, and other operating costs) plus a 6 percent return on any equity investment of the project owner.

2. Profit limitations on partners

A nonprofit organization that receives assistance under this part for a project shall agree to use any profit received from the operation, sale, or other disposition of the project for the purpose of providing housing for low- and moderate-income families. Profit-motivated partners in a nonprofit partnership may receive--

- A. not more than a 6 percent return on their equity investment from project operations; and
 - B. upon disposition of the project, not more than an amount equal to their initial equity investment plus a return on that investment equal to the increase in the Consumer Price Index for the geographic location of the project since the time of the initial investment of such partner in the project.
- d. Homeownership
Each homeownership project that receives assistance under this part shall comply with the requirements of part A or part B of this subchapter.
- e. Restrictions on conveyance
The ownership interest in a project that receives assistance under this part may not be conveyed unless the instrument of conveyance requires a subsequent owner to comply with the same restrictions imposed upon the original owner.
- f. Conversion of transitional housing
The Secretary may waive the requirements of subsection (b) of this section to permit the conversion of a transitional housing project to a permanent housing project only if such housing would meet the requirements for residential rental housing specified in this section.
- g. Period of restrictions
A project that receives assistance under this part shall comply with the requirements of this section for the remaining useful life of the property.

(Pub. L. 101-625, title IV, Sec. 455, as added Pub. L. 102-550, title I, Sec. 164, Oct. 28, 1992, 106 Stat. 3728; amended Pub. L. 105-276, title V, Sec. 514(a)(2)(B), Oct. 21, 1998, 112 Stat. 2547.)

References in Text

This title, referred to in subsec. (a)(2)(B), means title IV of Pub. L. 101-625, known as the Homeownership and Opportunity Through HOPE Act, and probably should have been ``this subtitle'', meaning subtitle D of title IV of Pub. L. 101-625, as added by Pub. L. 102-550, which is classified generally to this part. For complete classification of title IV of Pub. L. 101-625 to the Code, see Short Title note set out under section 1437aaa of this title and Tables.

The Stewart B. McKinney Homeless Assistance Act, referred to in subsec. (b), is Pub. L. 100-77, July 22, 1987, 101 Stat. 482, as amended. Title IV of the Act is classified principally to subchapter IV (Sec. 11361 et seq.) of chapter 119 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 11301 of this title and Tables.

Amendments

1998--Subsec. (a)(2)(D)(iii). Pub. L. 105-276 substituted ``any system of preferences established under section 1437d(c)(1) of this title'' for ``section 1437d(c)(4)(A) of this title''.

Sec. 12899e. Additional program requirements

a. Eligible participants

1. In general

Except as provided in paragraph (2), an individual may participate in a Youthbuild program receiving assistance under this part only if such individual is--

A. 16 to 24 years of age, inclusive;

B. a very low-income individual or a member of a very low-income family; and

C. an individual who has dropped out of high school.

2. Exception for individuals not meeting income or educational need requirements Not more than 25 percent of the participants in such program may be individuals who do not meet the requirements of either paragraphs \1\ (1)(B) or (C), but who have educational needs despite attainment of a high school diploma or its equivalent.

\1\ So in original. Probably should be ``paragraph".

3. Participation limitation

Any eligible individual selected for full-time participation in a Youthbuild program may be offered full-time participation for a period of not less than 6 months and not more than 24 months.

b. Minimum time devoted to educational services and activities

A Youthbuild program receiving assistance under this part shall be structured so that 50 percent of the time spent by participants in the program is devoted to educational services and activities, such as those specified in subparagraphs (B) through (F) \2\ of section 12899c(b)(4) of this title.

\2\ So in original. Section 12899c(b)(4) of this title does not contain a subpar. (F).

c. Authority restriction

No provision of this part may be construed to authorize any agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system.

d. State and local standards

All educational programs and activities supported with funds provided under this part shall be consistent with applicable State and local educational

standards. Standards and procedures with respect to the awarding of academic credit and certifying educational attainment in such programs shall be consistent with applicable State and local educational standards.

e. Wages, labor standards, and nondiscrimination

To the extent consistent with the provisions of this part, sections 142, 143 and 167 of the Job Training Partnership Act [29 U.S.C. 1552, 1553, 1577] (as in effect on the day before August 7, 1998), relating to wages and benefits, labor standards, and nondiscrimination, shall apply to the programs conducted under this part as if such programs were conducted under the Job Training Partnership Act [29 U.S.C. 1501 et seq.] (as in effect on the day before August 7, 1998). This section may not be construed to prevent a recipient of a grant under this part from using funds from non-Federal sources to increase wages and benefits under such programs, if appropriate.

(Pub. L. 101-625, title IV, Sec. 456, as added Pub. L. 102-550, title I, Sec. 164, Oct. 28, 1992, 106 Stat. 3730; amended Pub. L. 105-277, div. A, Sec. 101(f) [title VIII, Sec. 405(d)(43)(B)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-428.)

References in Text

The Job Training Partnership Act, referred to in subsec. (e), is Pub. L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, which is classified generally to chapter 19 (Sec. 1501 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of Title 29 and Tables.

Amendments

1998--Subsec. (e). Pub. L. 105-277 inserted `` (as in effect on the day before August 7, 1998)" after `` the Job Training Partnership Act" in two places

Sec. 12899f. Definitions

For purposes of this part:

1. Adjusted income

The term ``adjusted income" has the meaning given the term in section 1437a(b) of this title.

2. Applicant

The term ``applicant" means a public or private nonprofit agency, including--

- A. a community-based organization;
- B. an administrative entity designated under section 1513(b)(1)(B) of title 29;
- C. a community action agency;
- D. a State and local housing development agency;
- E. a community development corporation;
- F. a State and local youth service and conservation corps; and
- G. any other entity eligible to provide education and employment training under other Federal employment training programs.

3. Community-based organization
The term ``community-based organization'' means a private nonprofit organization that--
 - A. maintains, through significant representation on the organization's governing board or otherwise, accountability to low-income community residents and, to the extent practicable, low-income beneficiaries of programs receiving assistance under this part; and
 - B. has a history of serving the local community or communities where a program receiving assistance under this part is located.
4. Homeless individual
The term ``homeless individual'' has the meaning given the term in section 11302 of this title.
5. Housing development agency
The term ``housing development agency'' means any agency of a State or local government, or any private nonprofit organization that is engaged in providing housing for homeless or low-income families.
6. Income
The term ``income'' has the meaning given the term in section 1437a(b) of this title.
7. Indian tribe
The term ``Indian tribe'' has the same meaning given such term in section 5302(a)(17) of this title.
8. Individual who has dropped out of high school
The term ``individual who has dropped out of high school'' means an individual who is neither attending any school nor subject to a compulsory attendance law and who has not received a secondary school diploma or a certificate of equivalency for such diploma.
9. Institution of higher education
The term ``institution of higher education'' has the meaning given the term in section 1001 of title 20.
10. Limited-English proficiency
The term ``limited-English proficiency'' has the meaning given the term in section 7601(8) \1\ of title 20.

\1\ See References in Text note below.

11. Low-income family
The term ``low-income family'' has the meaning given the term in section 1437a(b) of this title.
12. Offender
The term ``offender'' means any adult or juvenile with a record of arrest or conviction for a criminal offense.
13. Qualified nonprofit agency
The term ``qualified public or private nonprofit agency'' means any nonprofit

agency that has significant prior experience in the operation of projects similar to the Youthbuild program authorized under this part and that has the capacity to provide effective technical assistance.

14. Related facilities

The term ``related facilities'' includes cafeterias or dining halls, community rooms or buildings, appropriate recreation facilities, and other essential service facilities.

15. Secretary

The term ``Secretary'' means the Secretary of Housing and Urban Development.

16. State

The term ``State'' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, the Trust Territories of the Pacific Islands, or any other territory or possession of the United States.

17. Transitional housing

The term ``transitional housing'' means a project that has as its purpose facilitating the movement of homeless individuals and families to independent living within a reasonable amount of time. Transitional housing includes housing primarily designed to serve deinstitutionalized homeless individuals and other homeless individuals with mental or physical disabilities and homeless families with children.

18. Very low-income family

The term ``very low-income family'' has the meaning given the term in section 1437a(b) of this title.

19. Youthbuild program

The term ``Youthbuild program'' means any program that receives assistance under this part and provides disadvantaged youth with opportunities for employment, education, leadership development, and training in the construction or rehabilitation of housing for homeless individuals and members of low- and very low-income families.

(Pub. L. 101-625, title IV, Sec. 457, as added Pub. L. 102-550, title I, Sec. 164, Oct. 28, 1992, 106 Stat. 3731; amended Pub. L. 103-382, title III, Sec. 394(d), Oct. 20, 1994, 108 Stat. 4027; Pub. L. 105-244, title I, Sec. 102(a)(13)(M), Oct. 7, 1998, 112 Stat. 1621.)

References in Text

Section 7601(8) of title 20, referred to in par. (10), was in the original section 7004(a) of the Elementary and Secondary Education Act of 1965, and was translated as if it read section 7501(8) of that Act to reflect the probable intent of Congress, because the Elementary and Secondary Education Act of 1965 does not contain a section 7004, and section 7501(8) defines limited English proficiency.

Amendments

1998--Par. (9). Pub. L. 105-244 substituted ``section 1001'' for ``section 1141(a)".
1994--Par. (10). Pub. L. 103-382 substituted ``section 7601(8) of title 20'' for ``section 3283 of title 20".

Effective Date of 1998 Amendment

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105 244, set out as a note under section 1001 of Title 20, Education.

Termination of Trust Territory of the Pacific Islands

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

Section Referred to in Other Sections

This section is referred to in section 12899b of this title.

Sec. 12899g. Management and technical assistance

- a. Secretary assistance
The Secretary may enter into contracts with a qualified public or private nonprofit agency to provide assistance to the Secretary in the management, supervision, and coordination of Youthbuild programs receiving assistance under this part.
- b. Sponsor assistance
The Secretary shall enter into contracts with a qualified public or private nonprofit agency to provide appropriate training, information, and technical assistance to sponsors of programs assisted under this part.
- c. Application preparation
Technical assistance may also be provided in the development of program proposals and the preparation of applications for assistance under this part to eligible entities which intend or desire to submit such applications. Community-based organizations shall be given first priority in the provision of such assistance.
- d. Reservation of funds
In each fiscal year, the Secretary shall reserve 5 percent of the amounts available for activities under this part pursuant to section 12870 of this title to carry out subsections (b) and (c) of this section.

(Pub. L. 101-625, title IV, Sec. 458, as added Pub. L. 102-550, title I, Sec. 164, Oct. 28, 1992, 106 Stat. 3733.)

Sec. 12899h. Contracts

Each Youthbuild program shall carry out the services and activities under this part directly or through arrangements or under contracts with administrative entities designated under section 1513(b)(1)(B) of title 29, with State and local educational agencies, institutions of higher education, State and local housing development

agencies, or with other public agencies, including agencies of Indian tribes, and private organizations.

(Pub. L. 101-625, title IV, Sec. 459, as added Pub. L. 102-550, title I, Sec. 164, Oct. 28, 1992, 106 Stat. 3733.)

Sec. 12899h-1. Ineligibility of Indian tribes

Indian tribes, Indian housing authorities, and other agencies primarily serving Indians or Indian areas shall not be eligible applicants for amounts made available for assistance under this part for fiscal year 1998 and fiscal years thereafter.

(Pub. L. 101-625, title IV, Sec. 460, as added Pub. L. 104-330, title V, Sec. 504(a)(2), Oct. 26, 1996, 110 Stat. 4044; amended Pub. L. 105-276, title V, Sec. 595(e)(15), Oct. 21, 1998, 112 Stat. 2659.)

Prior Provisions

A prior section 460 of Pub. L. 101-625 was renumbered section 461, and is classified to section 12899i of this title.

Amendments

1998--Pub. L. 105-276 substituted ``1998" for ``1997".

Effective Date

Section effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104-330, set out as a note under section 4101 of Title 25, Indians. Section 504(b) of Pub. L. 104-330 provided that: ``The amendments under subsection (a) [enacting this section] shall apply with respect to amounts made available for assistance under subtitle D of title II of the Cranston-Gonzalez National Affordable Housing Act [42 U.S.C. 12899 et seq.] for fiscal year 1998 and fiscal years thereafter."